

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES EVERETT SHELTON,

*Plaintiff*

v.

FCS CAPITAL LLC, et al.,

*Defendants*

Case No. 2:18-cv-03723-JDW

**ORDER**

**AND NOW**, this 13th day of December, 2019, following the Court's Order dated December 11, 2019 (ECF No. 48) and upon receipt of an e-mail from Plaintiff's counsel confirming that Plaintiff waives his right to be heard as to whether the Court should enter summary judgment on Count IX of Plaintiff's Amended Complaint, it is **ORDERED** that, pursuant to Fed. R. Civ. P. 56(f)(1) and for the reasons stated in the Court's Memorandum dated December 11, 2019 (ECF No. 47), **JUDGMENT IS ENTERED** in favor of Defendants FCS Capital LLC, Emil Yashayev, and Barry Shargel and against Plaintiff James Everett Shelton on Count IX of Shelton's Amended Complaint (ECF No. 7).

It is **FURTHER ORDERED** that the Clerk of Court shall mark this case closed for statistical purposes.

**BY THE COURT:**

/s/ Joshua D. Wolson  
JOSHUA D. WOLSON, J.